

# Quid Novi



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MCGILL UNIVERSITY FACULTY OF LAW  
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le 18 janvier 1987

## YALE LAW STUDENTS AID THE HOMELESS

[Reprinted from *The New York Times*, Sunday, January 3, 1988.]

A new corporation, just a few months old, is poised to play a big role in the new Haven housing boom. Its legal team includes some of the nation's finest tax, finance and real-estate lawyers - a pool of talent that the largest companies in the world would covet. On paper, this is a corporation to watch.

Investors might look twice, though, at the corporate address: Room 123 of the Yale Law School. The growing corporation is in fact, a new two-semester course. Its founders and members measure their success in grades and graduations, not bonuses and promotions.

But at a law school where success is the norm, the success of the course, offered for the first time last semester, has taken even its creators by surprise.

"This is the most amazing experience I've ever been involved with," said Robert Solomon, a New Haven lawyer and teacher at the law school who conceived Home Operations Management Enterprises, or HOME, with Prof. Michael Graetz, and now teaches the class with him.

### "There's No Question of Reality"

The class is not a simulation. The students

are buying real property, spending real money and seeking new ways to save hundreds of people from homelessness.

"There's no question of reality," said Ron Slye, a student in the course. "We either do it, or we don't."

Meanwhile, city officials and local developers are looking over the students' shoulders, interested in whether the students have found a way to help the city's growing homeless population.

A year ago, Mr. Solomon and Professor Graetz envisioned a course that had never been tried at the law school before. They wanted to teach students things that lectures could not teach, while helping people that the housing bureaucracy was not reaching.

### More Than Advice

Yale law students were already knocking on the doors of shelters and motels talking to homeless people as part of the school's legal clinic. But it was obvious that the homeless needed more than advice.

Eventually, Professor Graetz and Mr. Solomon devised a blueprint for HOME - called "Workshop on Shelter for the Homeless" in the course catalogue - and drew up a formidable class assignment: construct a non-profit corporation, apply for tax-exempt

status and draft a set of bylaws. Then use that corporation to buy and manage sorely needed low-income housing property, while also offering such social services as day care and legal aid.

For each Yale Law School course, students earn credits or units toward the 82 needed for a Yale law degree. In the shelter group, however, the focus is on credits and units of a different sort - low-income housing units that are disappearing in the rapid redevelopment of New Haven, and low-income housing tax credits, a feature of the 1986 Federal tax reforms.

By agreeing to buy low-income housing property, the students receive Federal tax credits, which have cash value because they can be sold to investors. The students then use the credits as equity and acquire low-interest commercial loans from banks.

The bank loans provide incentive for such sources as Yale, the Ford Foundation, and the City of New Haven to donate matching money to the project, giving the students enough financing for a down payment and more. The students then use the rent they collect to cover mortgage payments and operating costs and leverage the property they own as collateral to buy more.

Mr. Solomon said, "The timing was just right for HOME." The city of New Haven, the Board of Aldermen, and several developers have all expressed a commitment to easing the homeless situation. "It's an area where

### JOKE OF THE WEEK

Professor Scott's 70 page moot question

Cont'd on p.5



# ANNOUNCEMENTS

## ATTENTION ALL B.C.L. IV AND LL.B. IV STUDENTS COMPOSITE GRADUATION PHOTOS

Now that the final semester has begun many of you are probably wondering if we are planning to have a graduation photo prepared (similar in format to those hanging in the hallways). Indeed we are, and in order to prepare such a picture (known as a composite) it is essential that **all** graduating students go to Van Dyck & Myers Studios located at 1121 Ste. Catherine O./W. (phone: 849-7327) to have their photos taken. Those who have already done so for the purposes of appearing in *Old McGill* need not repeat the process since they have your picture on file.

**Time is of the essence:** the sooner the pictures are taken, the sooner the composite can be prepared, delivered and proudly displayed on the wall of your corner office. In any event a deadline will likely be fixed sometime well before the end of classes, so don't delay. **For those of you wanting your individual photo to appear in the Faculty of Law Yearbook (which will be available by the end of the semester) it is imperative that you have your photos taken at Van Dyck & Meyers before the end of January 1988.**

Van Dyck & Myers is open approximately 9 to 5. Four (4) poses will cost \$21.95 plus tax but this also entitles you to one 11" x 14" copy of the composite.

A list will be posted at S.A.O. and it would be appreciated if you could add your name to the list as soon as your picture is taken in order to allow us to know when the process is complete and the composite can be prepared. If you do not want to appear in the composite, please let me know so a final list can be drawn up.

If you have any difficulties with any of this, please contact me. Of course, suggestions, advice, etc. are also welcome.

**Rodney Garson**  
Class President B.C.L./LL.B. IV

\* \* \*

## PLACEMENT SEMINAR

1:00 p.m., Wednesday, January 20, 1988, Room 202: *"Working in the In-house Legal Department of a Corporation: Contrasts with the Private Law Firm"* Presented by Jim Doyle, formerly of Ford Canada and the Steinberg group; and Georges Robichon, of Fednav Ltée.

\* \* \*

## YEARBOOK ANNOUNCEMENTS

**To all women who participated in or are participating in Intramurals this year:** There will be a photo taken for the *Yearbook* on Wednesday, January 20, at 12:30 p.m. Please come dressed for your sport and meet in front of Moot Court.

**To all visiting students:** A photo will be taken for the *Yearbook* on Wednesday, January 20, at 12:00 p.m. Please meet in front of the Moot Court with your coats.

**To all graduating students:** Please remember that this month is the absolute deadline for submitting photos and blurbs for the *Yearbook*. Forms outlining what is needed will be at S.A.O. this week.

**To all B.C.L. III's:** A second attempt at a photo for the *Yearbook* will be taken on Wednesday, January 20 at 1:30 p.m. Please meet in Moot Court.

**To all Legal Aid Staffers:** A photo will be taken for the *Yearbook* on Wednesday, January 20 at 1:00 p.m. Please meet on the side steps of OCDH.

The *Yearbook* desperately needs people from all years who are familiar with the MacIntosh computer to enter text and class lists for production.

**Logo and Title Contest:** The *Yearbook* Committee would like to invite all students to submit ideas for a logo and title to the committee by January 25th. All ideas will be given serious consideration, so don't be shy.

**Holly Nickel**  
Yearbook Committee

\* \* \*

## INTERNATIONAL EMPLOYMENT OPPORTUNITIES

An International Employment Opportunities binder has been compiled by Prof. Toope and is now available to all interested students in the Placement office. For further information, please see Suzan or Sharon in Room 14A.

\* \* \*

## TALMUD CLASS

Every Wednesday,  
1:00 p.m.,  
Room 202.

Taught by former student Greg Bordan. Everyone is welcome, no background is needed.

\* \* \*



# RETURN OF THE LIVING BREAD

By Teresa Scassa

If the new \$6.50 movie price has kept you from seeing any good horror films lately, never fear. You can still get your share of the grisly gruesomes at the law cafeteria.

There's something for everyone behind all that cool, smudgy aluminum. The pastries are like slimy little aliens that have been fermenting in their clear plastic time capsules for countless eons. The coffee is one of those dastardly elixirs that changes all those who drink it into gasping, trembling wrecks. The coup de grâce is over at the salad counter. There you will find great damp eggs lolling like sightless eyes in plastic bins of shredded vegetable matter. Who needs special effects?

People who think that this is a good thing, have to be making a comparison with the movies. At the law cafeteria, you can be disgusted, repelled and horrified in at least

two official food groups for something just under the standard \$6.50. If they sold popcorn with fake golden topping you would be able to have a meal as well.

Like most horror films, the law cafeteria caters to the lowest common denominator. Only gastronomical neanderthals could consider their purchases to be food. The rest of us, of course, generally only gripe, whine and pretend to be oh-so-tough when we choke down one of those great, gritty muffins-from-hell.

The cafeteria can be better than it is right now. This is true mainly because it can't get worse. But it is a fact that at times last year and last semester, the cafeteria provided a greater selection of slightly better food. We have seen hot meals, toast, club sandwiches and a variety of other distinct improvements over limp bits of animal matter stuffed between slices of the most uninteresting bread ever mass-produced. These subtle develop-

ments in an otherwise featureless gastronomical landscape bloom and fade with the wistful brevity of desert flowers.

The factor which provokes the cafeteria's random attempts at adequacy is your basic, all-purpose popular unrest. Complain. Complain to the cafeteria. Complain to the LSA. Explain what you want to eat. Reject objectionable food. It gets results. Of course, it means you have to abandon that carefully cultivated attitude of bored and sheep-like acceptance, but what the hell. It's cool to be unpredictable.

There's nothing wrong with horror films, every once in a while. They give you something to talk about. You know, like: "You've got to go see Rosemary's Bagel. It's so gross!" But who needs that kind of thing every day? So take your beef to the cafeteria. The film you see doesn't have to be on your soup.

**Announcements**  
Cont'd from p.2

## FOURTH YEAR BANQUET

All students interested in helping with the organization of the Banquet to be held at the end of the semester: A meeting will be held Thursday, January 21 at 1:00 p.m. at the LSA office.

\* \* \*

## ARTICLING POSITION, 1989-1990

Students interested in an articling position for the year 1989-90 with the Law Firm Howard, MacKie are asked to sign up in the Admissions Office and submit an up-to-date Curriculum Vitae before January 19, 1988.

A representative from Howard, MacKie will be conducting interviews on Wednesday, January 20, 1988 from 9 to 5.

Ralph Simmonds  
Placements Office

## CAREERS DAY

**Wednesday, January 27,  
1988**

**1:00 p.m.**

**2nd floor and Common  
Room**

***Meet representatives from  
firms across Canada, New York  
and in house counsel.***



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## LEGAL LAFFS

Reprinted from MORE COURT  
JESTERS by Peter V. MacDonald,  
Q.C.)

In another case, Garry Braund appeared on behalf of two brothers named Ball.

"Who do you act for?" the judge asked him.

"The two on the left," Braund replied, pointing to a group of men in the prisoner's dock. "Their name is Ball. There's the left Ball and the right Ball."

Lawyers began to whisper back and forth at the counsel table.

"Who's this fellow here?" the Crown Attorney asked, pointing to a man who sat near the prisoner's dock.

"He's the dick who made the arrests," said Braund.

The lawyers at the counsel table snickered and guffawed.

"They're charged with breaking a safe," the Crown Attorney advised the court. Then, turning to Braund, he asked, "What's going to happen?"

"The Balls are about to be bagged," Braund replied, indicating that guilty pleas were in order.

Gales of laughter rose from the counsel table.

The judge yelled for order, then snapped, "There will be a short recess. Braund, come

to my chambers right away! You, too, Mr. Crown Attorney."

The three learned gentlemen had some hearty laughs together and shared a pot of tea before returning to the rigours of the courtroom.

\* \* \*

In a Nova Scotia case a few years back, a man accused of break, enter and theft took the witness box. He was no stranger to the court. After stating his name and address, he was asked his occupation.

"Crook!" snapped the judge, before the man could move his lips.

\* \* \*

Former Ontario Chief Justice G.A. Gale recalls a civil case he once tried, Jones versus The Sisters of St. Theresa. At the opening of the trial, noted Toronto counsel Isador Levinter, Q.C., stood up and said, "My Lord, I represent the Sisters of St. Theresa."

"Does the Pope know about this?" the Chief Justice inquired.

\* \* \*

Toronto lawyer Robert B. McGee, Q.C., recalls a theft case heard by the late Magistrate C.A. (Gus) Thorburn in the 1960s. The accused had a long record of thievery, and the Crown's case appeared to be overwhelming.

Cont'd on p.6

### VALENTINE'S DAY GREETINGS

Quid Novi will be devoting several pages of the February 8th edition to Valentine's Day Greetings. If you wish to send a greeting to a fellow student or staff member, please submit it by Wednesday, February 3rd before 12:30 p.m.



# FLAME AND FORTUNE

By Louis Belzil

McGill Law students will have a special reason to feel proud during the Calgary Winter Olympics. One of their own, Andrew Cassolato, LL.B.II, against all odds was selected to carry the torch on its last leg through Old Montreal up to City Hall.

Andrew received the flame about half-way between Notre Dame Basilica and City Hall. With determination he immediately took off with enthusiasm down the wrong street.

Once back on track, he was greeted by cheers of thousands of Montrealers, and about a half dozen of his incredulous friends. Many in the crowd were heard to ask under their breath which former gold medalist was carrying the flame. Andrew had trained strenuously for months prior to the big event, sometimes jogging as frequently as twice a week for twenty or so minutes. His training served him well, since after he had jogged the three or four hundred metres (stopping once for a ten minute photo op), he had to stand on stage holding the torch (approx. 7 kgs.) for

forty-five minutes while civic politicians explained what a valuable role the city of Montreal will play in the '88 Winter Games. (The networks carried the story nationally, and a video will soon be available.) All in all, it was an exciting experience for everyone involved and a great way to avoid studying. But perhaps the statement which best summarized the event was uttered by his girlfriend Joanne, who said with characteristic Western frankness: "Boy has he got horse-shoes up his —!!"

## Yale Students Aid Homeless Cont'd from p.1

we don't have any adversaries," he said.

If they do run into opposition, the corporation is ready with the entire Yale Law School faculty at its disposal for consultation.

The Mayor of New Haven, Biagio DiLieto, praised the class. "I think the problem of the homeless is so critical at the present time that certainly any involvement of Yale University is welcome," he said. "The solution to this problem does not rest with the city administration alone - government alone does not have the resources to do it."

The Mayor and the students' efforts were a "complement to the commitment made by Benno Schmidt," Yale's president. In May 1987, Mr. Schmidt announced that Yale would invest \$50 million in the city, with an emphasis on housing development.

The students expect that by the middle of this year, after the deals are formally closed, they will own 137 units of low-income housing property worth \$6.8 million. By the end of 1988, they plan to have permanent office space, a staff and an operating budget. Down the road, they see the HOME corporation building new low-income housing, instead of saving existing units.

To achieve all this, the students have to be more than just prepared for class. They have to be lawyers. "The class is very definitely a law firm," said Mr. Solomon. "Michael and I act more as senior partners than profes-

sors."

And the "junior partners" work hard. Some say they spend up to 20 hours a week traveling, shopping for property, meeting with bankers and reviewing tax laws, on top of their already demanding workload as law students.

Last month, the students elected a board of directors made up of community leaders, lawyers and advocates for the homeless - as well as a woman who was homeless when the students first met her.

## Offers "Real Experience"

Carl Hilgert, a member of the board who heads Christian Community Action, an advocacy group for the homeless, said it was "amazing" to see the amount of work the students had done in such a short time.

"We'd be another year waiting to figure out how to do this," he said. "My mind spins, because I'm not a lawyer."

Mr. Hilgert added that, as the students were helping the homeless, the experience would help the students to be better lawyers.

Janet Stearns, a third-year law student who is in the class, said: "I don't think at any point we wanted to sit around and say, 'Oh, we're just a bunch of Yalies theorizing about the human condition.' There were homeless people who had no place to go, and we wanted to find them a place to go, and we needed a way to make that happen."

# JUDGMENT CARVED IN STONE AGE

By Joani Tannenbaum

And the winner of the "Boy is he lucky judges are appointed and not elected" category is Mr. Justice Sir James Miskin. Handing down a lenient three year sentence to Toronto businessman Joseph Robb, convicted of manslaughter in the death of his wife's lover, Miskin praised Robb for "allowing his wife to exercise her pretty, bright little mind" in pursuing a career and noted that Robb had made repeated attempts to dissuade her from "further idiocy." The judge also noted that Robb "had never raised his hand against either of his sometimes unruly children. Nor did he even slap his wife "on the backside" when he first learned of the "disgusting affair..."

Frankly, this man wins top marks in my book for bringing a sense of fairness, neutrality and impartiality to the bench. Maybe the judiciary is composed of persons with individual opinions. Maybe it is impossible not to be influenced by these opinions when coming to any judicial conclusion. But maybe too, some night while relaxing at home in his armchair, Mr. Justice Sir James Miskin might consider the sagacity of his comments while waiting for his wife to bring him his slippers and brontosaurus steak.



## Legal Laffs

Cont'd from p.4

"Can I take the witness box?" asked the alleged culprit.

"You might as well," quipped Thorburn, "you've taken everything else!"

\* \* \*

A decade or so ago, a Calgary lawyer told Provincial Court Judge Fred Thurgood that he wished to introduce the results of a polygraph test into evidence at trial.

"What's a polygraph?" Judge Thurgood asked.

"It's a lie detector."

"In this court," His Honour observed, "I'm the lie detector."

\* \* \*

The psychiatrist would, of course, be classed as an "expert witness." A long time ago, an anonymous wag described the expert witness as "some son of a bitch from out of town with a briefcase." This view is shared by many people, judging from the anecdotes one hears in legal circles.

Judge Walder G.W. White of Edmonton tells of an "expert" who sat at the back of a British Columbia courtroom until he was called to testify. When he heard his name sung out he strode quickly to the witness box, briefcase in hand. After he was sworn in, he asked if he could refer to his notes. The judge said that would be in order. The witness opened the briefcase and, looking extremely puzzled, thrashed around among the papers inside it. None of them looked familiar to him. Suddenly, a man at the back of the courtroom stood up and yelled, "Hey, you dolt, you've got my briefcase!"

\* \* \*

This witness doesn't waste words:

"What do you do for a living?"

"I help my brother."

"What does your brother do?"

"Nothing."

# UPCOMING

## The Law and You... A Practical Guide

McGill University Faculty of Law  
and L'Association des Courtiers d'Assurance de la Province de Québec

Invite you to a seminar dealing with

"The Broker's Role: New Directions and Responsibilities"

Wednesday, February 10, 1988

8:00 a.m. to 5:00 p.m.

McGill University - Faculty of Law  
3644 Peel Street  
Montreal, Quebec

## La loi et vous... Un guide pratique

La Faculté de droit de l'Université McGill  
et l'Association des Courtiers d'Assurance de la Province de Québec

Vous invitent à un séminaire sur

Le rôle du courtier: nouvelles tendances et responsabilités

Le mercredi 10 février 1988

De 8 h à 17h

Faculté de droit de l'Université McGill  
3644, rue Peel  
Montréal (Québec)

## About the seminar

Questions of law which are of paramount interest and importance to insurance brokers, risk management executives and those involved in the purchase and sale of insurance will be addressed by a roster of some of the most knowledgeable professionals in Canada. Presentations will be based on practical experience encountered in solving the complex legal problems unique to the insurance industry. The speakers are practitioners who handle problems created by statutory, judicial, economic and constitutional conditions. They bring authoritative insights into the process of analysis, resolution, and above all, prevention of the negative impact of new problems faced by the industry.

**Chairman:** Professor John E.C. Brierley

**Participants include:** Mr. Eric Clark (Clark, Woods), Mr. J. Arden Blakely, Q.C. (McAlister, Blakely, Turgeon and Hesler), Mr. J. Vincent O'Donnell, Q.C. (Lavery O'Brien) and Mr. Alain Létourneau (Pépin Létourneau).

\* \* \*



# CONFERENCES

The Institute of Comparative Law  
McGill University

Invites you to a Conference dealing with

"Access to Markets under the Canada-U.S.A. Free Trade Agreement"

Friday, February 12, 1988

8:00 a.m. to 5:00 p.m.

McGill University - Faculty of Law

3644 Peel Street

Montreal, Quebec

L'Institut de Droit Comparé  
de l'Université McGill

vous invite à un colloque sur

L'Accès aux marchés dans le cadre de l'Accord de libre-échange Canada - États-Unis

Le vendredi 12 février 1988

de 8 h à 17h

Faculté de droit, Université McGill

3644, rue Peel

Montréal (Québec)

## About the conference

On October 4, 1987 Canada and the United States agreed to enter into a comprehensive Free Trade Agreement. This historic treaty will, when implemented, constitute the world's largest bilateral free trade arrangement. The agreement in principle has now been translated into a formal treaty text signed by both parties.

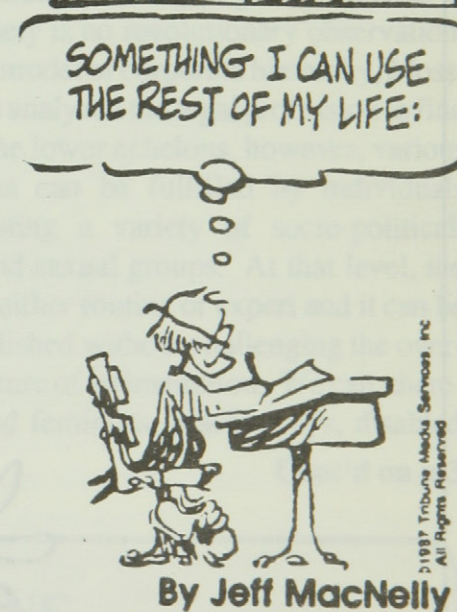
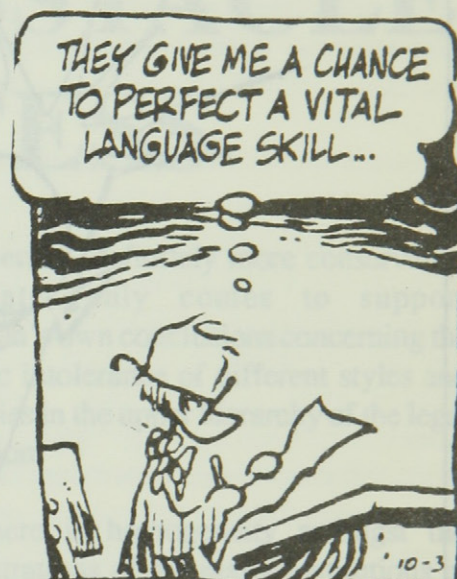
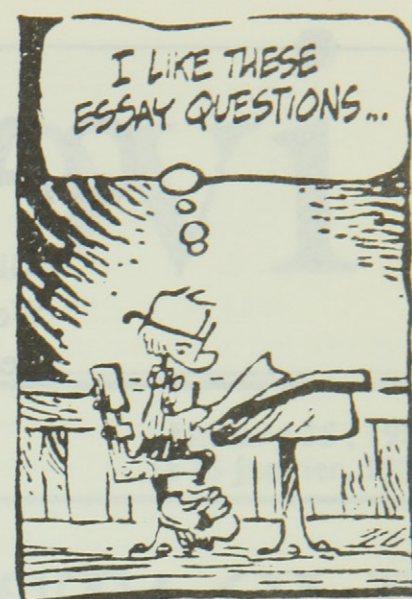
Fundamental to this agreement is the issue of access to markets. Supporters of the FTA argue that it will greatly enhance access to markets to the mutual advantage of both countries. Opponents of the agreement either deny this argument or suggest that the access will be one-sided and to the disadvantage of either Canada or the United States.

This conference is co-sponsored by the McGill University Faculty of Law, the Gazette, the Institute of Comparative Law of McGill University and the Canadian Council on International Law for the purpose of providing an objective and impartial analysis of the degree to which the Free Trade Agreement actually ensures access to markets.

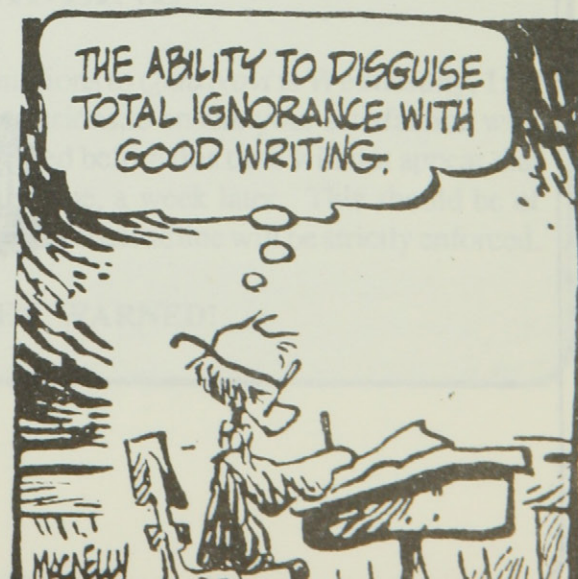
**Chairman:** Roderick A. Macdonald, Dean

**Participants include:** Prof. A.L.C. de Mestral, Mr. Gérald Lacoste (Martineau, Walker), Mr. Marc Lalonde, P.C., Q.C. (Stikeman, Elliott), Mr. John Fried (Embassy of Canada, Washington, D.C.), Mr. R. Gotlieb (Gotlieb, Kaylor and Stocks) and Mr. C.J. Flavell (Clarkson, Tétrault).

Shoe



By Jeff MacNelly





# CAPTION CONTEST #3

All entries to be submitted to the *Quid* office by 12:30 p.m.,  
Wednesday, January 20. Winner to be announced in the following  
week's *Quid Novi*.

